

Rec'd PCT/PTO 08 DEC 2005

DOCKET NO. BAYE0001-101 (LeA36219)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Brian Warner, Jack Quinn, Jens Burmeister, Ingmar Dorn, Edgar Diessel

For: SOLID PHASE BASED NUCLEIC ACID ASSAYS COMBINING HIGH AFFINITY AND HIGH SPECIFICITY

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is for the following type of application:

(check one applicable item below)

<input type="checkbox"/> Original	<input type="checkbox"/> Divisional
<input type="checkbox"/> Continuation	<input checked="" type="checkbox"/> U.S. National Stage of PCT
<input type="checkbox"/> Continuation-in-Part	

My residence, post office address and citizenship are as stated below next to my name; and I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a

Utility Patent -- Design Patent

is sought on the invention, whose title appears above, the specification of which:

- is attached hereto
- was filed on _____, as U.S. Serial Number _____
- and was amended on _____ *(if applicable)*
- was described and claimed in PCT International Application Number PCT/US2003/027201, filed on August 29, 2003.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to the patentability of this application in accordance with 37 CFR § 1.56.

**DISCLOSURE AND/OR CLAIM FOR PRIORITY UNDER
35 U.S.C. §§ 119(a)-(d) OF FOREIGN APPLICATIONS
FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN)
OF THIS APPLICATION**

I hereby claim foreign priority benefits under Title 35, United States Code §§ 119(a)-(d) of any foreign applications for patent, inventor's certificate or PCT international application designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent, inventor's certificate or any PCT international application designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

Country (or indicate if PCT)	Application Number	Date of Filing (day, month, year)	Priority Claimed Under 37 USC 119a-d
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>

**DISCLOSURE OF FOREIGN APPLICATION(S) IF ANY,
FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN)
PRIOR TO THE FILING OF THIS APPLICATION**

Country (or indicate if PCT)	Application Number	Date of Filing (day, month, year)

**CLAIM FOR PRIORITY OF UNITED STATES APPLICATIONS
OR PCT APPLICATIONS FILED
IN THE UNITED STATES RECEIVING OFFICE
UNDER 35 U.S.C. §120**

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date Filed	Status Patented/Pending/Abandoned

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)
UNDER 35 U.S.C. § 119(e)**

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

Provisional Application Number	Filing Date
60/407,468	August 30, 2002

POWER OF ATTORNEY

I hereby appoint all the practitioners associated with Customer Number 34132 (which is the Customer Number assigned to Cozen O'Connor to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith. Each practitioner associated with Customer Number 34132 is an attorney registered before the United States Patent and Trademark Office.

I also hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Elizabeth A. Levy	Reg. No. 34,375
Andrew L. Klawitter	Reg. No. 26,557
Mark Seka	Reg. No. 44,330
Rupa Sen	Reg. No. 42,139
Chien Yuan	Reg. No. 48,056
Kevin J. Stein	Reg. No. 47,966

Address all correspondence and maintenance fee correspondence to the address identified in Customer No. 34132 to Cozen O'Connor, 1900 Market Street, Philadelphia, PA 19103.

Direct all telephone calls to: Mark DeLuca, Esq.

Cozen O'Connor
1900 Market Street
Philadelphia, PA 19103
Telephone No.: (215) 665-5592
Facsimile No.: (215) 665-2013

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor

Brian
(Given Name)

(Middle Initial or Name)

Warner
Family (or last name)

City/State of Actual Residence: Martinez, California *CH*

Mailing Address: 1034 Alhambra Avenue, Martinez, California 94553

Country of Citizenship: United States of America

Inventor's signature: Brian Warner

Date: 11-30-05

Full name of first joint inventor

Jack
(Given Name)

(Middle Initial or Name)

Quinn
Family (or last name)

City/State of Actual Residence: Concord, California *CH*

Mailing Address: 1876 Laurelview Court, Concord, California 94521

Country of Citizenship: United States of America

Inventor's signature: _____

Date: _____

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor		
<u>Brian</u> <i>(Given Name)</i>	<u></u> <i>(Middle Initial or Name)</i>	<u>Warner</u> <i>Family (or last name)</i>
City/State of Actual Residence: Martinez, California		
Mailing Address: 1034 Alhambra Avenue, Martinez, California 94553		
Country of Citizenship: <u>United States of America</u>		
Inventor's signature: _____		
Date: _____		

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

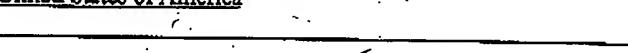
Full name of first joint inventor

Brian Watner
 (Given Name) (Middle Initial or Name) Family (or last name)

City/State of Actual Residence: Martinez, California

Mailing Address: 1034 Alhambra Avenue, Martinez, California 94553

Country of Citizenship: United States of America

Inventor's signature: 

Date: 12-05-05

Full name of first joint inventor

Jack Quinn
 (Given Name) (Middle Initial or Name) Family (or last name)

City/State of Actual Residence: Concord, California

Mailing Address: 1876 Laurelview Court, Concord, California 94521

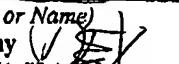
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Inventor's signature: 

Date: 12-05-05

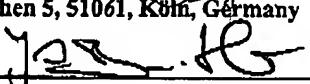
Full name of first joint inventor

Jens Burmeister
 (Given Name) (Middle Initial or Name) Family (or last name)

City/State of Actual Residence: Köln, Germany 

Mailing Address: An der Ruthen 5, 51061, Köln, Germany

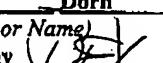
Country of Citizenship: Germany

Inventor's signature: 

Date: 2005-11-07

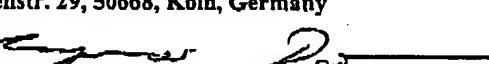
Full name of first joint inventor

Ingmar Dorn
 (Given Name) (Middle Initial or Name) Family (or last name)

City/State of Actual Residence: Köln, Germany 

Mailing Address: Ursulagartenstr. 29, 50668, Köln, Germany

Country of Citizenship: Germany

Inventor's signature: 

Date: 2005-11-07

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Full name of first joint inventor

Edgar

Diessel

(Given Name)

(Middle Initial or Name)

Family (or last name)

City/State of Actual Residence: Köln, Germany

Mailing Address: Arthur-Hantzsch-Str. 30, 51061, Köln, Germany

Country of Citizenship: Germany

Inventor's signature:

Date: 2005-11-07